

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of )  
 ) Group Art Unit: 1626  
 Len F. LEE *et al.* )  
 ) Examiner: Lambkin, D.  
 Serial No. 10/068,297 )  
 ) Atty. Dkt. 161765.00467 (3091/04/US/DIV)  
 Filed: February 8, 2002 )

For: BENZOTHIOPINES HAVING ACTIVITY AS INHIBITORS OF ILEAL BILE ACID TRANSPORT AND  
TAUROCHOLATE UPTAKE

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The sole owner of the complete interest in the subject application, G.D. Searle & Co., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the subject application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 6,387,924 or 5,994,391.

G.D. Searle & Co. hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that said patent and U.S. Patent Nos. 6,387,924 and 5,994,391 remain commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the subject application that would extend beyond the expiration date of the full

statutory terms as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 6,387,924 or 5,994,391, in the event that any or all of such patents expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

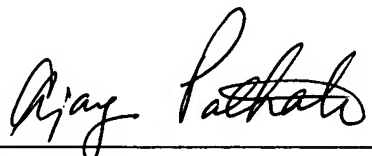
The undersigned is an Attorney of Record.

The Commissioner is hereby authorized to charge the \$110.00 fee for this matter to Deposit Account No. 19-0733. In the event that any variance exists between the amount indicated and the amount authorized by the undersigned, the Commissioner is authorized to charge to our Deposit Account No. 19-0733, as necessary.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 29, 2003

By: \_\_\_\_\_



Ajay Pathak  
Registration No. 38,266  
Attorney of Record